

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**JAMES MALLES,**

**Plaintiff,**

**v.**

**MICHAEL CLARK, et al.,**

**Defendants.**

**Civil Action No. 1:22-cv-99**

**ORDER**

On August 25, 2022, the undersigned entered a Memorandum Order dismissing Plaintiff's complaint against the Defendants in this civil action. ECF No. 6. The Court dismissed certain claims with prejudice but allowed Plaintiff to amend his complaint to the extent he was asserting claims under the Eighth Amendment against Warden Michael Clark or other individual defendants based on the denial of medically necessary physical therapy. Plaintiff was admonished that, if he did not file his amended complaint on or before September 16, 2022, the dismissal of the latter claims would be converted to a dismissal with prejudice, and the case would be marked "closed" without further notice. As Plaintiff has failed to file an Amended Complaint within the time frame allowed by this Court, his remaining Eighth Amendment claims are deemed abandoned. Accordingly,

IT IS ORDERED this 11th day of October, 2022 that any putative claims against Warden Michael Clark or other individual defendants arising out of the denial of medically necessary physical therapy shall be, and hereby are, DISMISSED with prejudice. There being no further matters pending before the Court in the above-captioned case, the Clerk is directed to mark this civil action "CLOSED."

A handwritten signature in cursive script that reads "Susan Paradise Baxter".

SUSAN PARADISE BAXTER  
United States District Judge

cm: James Malles  
GW3007  
SCI-Albion  
10745 Route 18  
Albion, PA 16475-0001  
(via U.S. Mail)

The Honorable Richard A. Lanzillo (via CM/ECF)